

EXHIBIT B

**DEPOSITION
TRANSCRIPT OF
PRISCILLA
TOLKIEN –**

**REDACTED
VERSION**

1

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT FOR CALIFORNIA

3 FOURTH AGE LTD., et al.,

4 Plaintiffs,

5 | vs. No. 12-9912-ABC

7 DISTRIBUTION INC., et al.,

8 Defendants.

9 WARNER BROS. DIGITAL

10 DISTRIBUTION INC., et al.,

11 Counterclaim

12 Plaintiffs,

13 vs.

14 FOURTH AGE LTD., et al

15 Counterclaim

16 Defendants.

17

18 VIDEOTAPED DEPOSITION OF MS. PRISCILLA TOLKIEN

19 Wednesday, February 19, 2014

AT: 09:30 AM

22 | Reported by:

23 Trish Brady, Accredited Realtime Reporter

24 JOB No. 1811956

25 PAGES 1 - 308

1 MS. ESKENAZI: Objection, lacks
2 foundation, calls for speculation.

3 A. I don't know.

4 BY MR. JIH:

5 Q. So you have never visited a -- you
6 know, there's no -- there's no office to visit for
7 the Tolkien Estate Limited?

8 MS. ESKENAZI: Objection, asked and
9 answered, lacks foundation, calls for speculation.

10 A. I don't know.

11 BY MR. JIH:

12 **REDACTED**

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**PAGES
45-46
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23 BY MR. JIH:
24 Q. So now let me show you the exhibit.
25 (Exhibit Previously marked BLACKBURN 1 marked for

1 courtesy and hospitality.

2 Q. What do you mean by a role of
3 courtesy and hospitality?

4 A. Well, I did -- I retired from that
5 now since 2005, but I did run parties and
6 receptions for them, particularly associated with
7 their annual conference in Oxford, and on
8 occasions I did attend events run by their
9 organization as a guest.

10 Q. How many years were you involved
11 with The Tolkien Society?

12 A. 31 years.

13 Q. Wow. And you said you stopped
14 in 2005?

15 A. Yes.

16 **REDACTED**

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1 Q. Only legal matters?

2 A. Only legal matters, yes.

3 Q. When you do speak with Mr. Maier,

4 is it in person, by phone, correspondence? How?

5 A. It can be through correspondence.

6 It can be through correspondence, yes.

7 Q. So you don't speak to him -- you

8 don't usually call Mr. Maier?

9 A. No.

10 Q. Or meet with him in person?

11 A. No.

12 Q. Do you ever -- have you ever

13 communicated with anyone at HarperCollins

14 regarding the Tolkien works?

15 A. No.

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14 Q. No view. In terms of the documents
15 you keep in your files, do you keep them
16 indefinitely or sometimes do you cull the files
17 and get rid of some of the old stuff?

18 A. I would only discuss this with
19 Cathleen Blackburn.

20 MS. ESKENAZI: Objection, it's vague
21 and --

22 BY MR. JIH:

23 Q. That's not my question actually.

24 MS. ESKENAZI: Objection, it's vague and
25 ambiguous.

1 BY MR. JIH:

2 Q. My question is actually just
3 whether or not you keep all of the documents you
4 maintain in your file for the Tolkien works and my
5 question is: do you periodically throw things
6 away? Do you try to keep them to a manageable
7 size? Or do you just keep everything?

8 A. I can't keep everything. I would
9 never get rid of anything without consultation
10 with Cathleen Blackburn.

11 Q. OK. How frequently do you get rid
12 of documents from your file?

13 MS. ESKENAZI: Objection, it misstates
14 the testimony.

15 A. I can't -- I can't say how often.

16 **REDACTED**

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**PAGES
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21 BY MR. JIH:
22 Q. For now, yeah, you can put it
23 aside. I'm going to show you another exhibit, but
24 again, nothing new. It's an exhibit that's
25 already been marked as exhibit 22.

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1 a smile."

2 Do you see that?

3 A. Yes, I see that.

4 **REDACTED**

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5 Q. You don't know. Let me show you a
6 different article that has been marked as
7 exhibit 21.

8 (Exhibit Previously marked BLACKBURN 21 marked for
9 identification)

10 And as you are just taking a look at it,
11 my question is just going to be: have you seen
12 this document before or this article before?

13 A. The question is have I seen this
14 before? No.

15 Q. OK. Let me just then direct you to
16 particular parts that I want to ask you questions
17 about. If you could turn to the third page.
18 It says page 3 of 6 up at the top. And this is --
19 I guess it's a article that's from the
20 Boston Globe, but we printed it from the
21 Boston.com website.

22 A. Yes.

23 Q. You'll see there's a paragraph,
24 basically the second to the last paragraph on the
25 page, that starts with:

1 "But besieged by interview requests..."

2 A. Yes.

3 Q. OK. So the paragraph says:

4 "But besieged by interview requests,

5 Christopher has sequestered himself somewhere in

6 southern France far from the movie-driven crowds.

7 This solitude reflects his overall attitude

8 towards his father's work: the less PR, the

9 better."

10 Do you see that?

11 A. Yes.

12 **REDACTED**

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**PAGES
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MS. ESKENAZI: We've been going about an
hour.

MR. JIH: Let me --

MS. ESKENAZI: Do you want to take a
short break?

MR. JIH: Let me just finish this
paragraph.

MS. ESKENAZI: Sure.

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1 rights, and court battles over copyright
2 infringement."

3 Do you see that?

4 A. Yes.

5 **REDACTED**

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**PAGES
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FULL**

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MS. ESKENAZI: Is it time for a break or
are you still not done yet?

MR. JIH: We can take a break, that's
fine.

MS. ESKENAZI: OK.

VIDEOGRAPHER: Going off the record at
12.22 pm as indicated on the video screen.

(12.22 pm)

(Off the record.)

(12.44 pm)

VIDEOGRAPHER: And we are back on the
record at 12.44 pm.

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**PAGES
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12 BY MR. JIH:

13 Q. OK, let me show you the exhibit.

14 I will mark as the next exhibit, which
15 I believe is exhibit 268, an article -- oh,
16 sorry -- an article dated February 24, 2003, by
17 David Thomas at The Telegraph. The title of the
18 article is "A leaf torn from the family tree."

19 (Exhibit TOLKIEN 268 marked for identification)

20 So my first question, as with the other
21 articles is just going to be: have you seen this
22 before?

23 A. No.

24 Q. OK. So let me just direct you to
25 the parts that I'm --

1 A. Yes, yes.

2 Q. -- going to ask you questions
3 about. Starting with the first page.

4 A. Yes.

5 Q. By the way, you can see from the
6 very top the -- David -- it's called interview by
7 David Thomas, and it refers to Simon Tolkien, the
8 grandson of J.R.R. Tolkien. Do you see that?

9 A. Yes, I see that.

10 Q. And Simon Tolkien is the grandson
11 of J.R.R. Tolkien?

12 A. Yes.

13 Q. If you go to the last two
14 paragraphs of the first page --

15 A. Yes.

16 Q. -- it says:

17 "I haven't spoken to my father, except
18 in an annual business-meeting context, for the
19 past four years', he says, as matter-of-factly as
20 possible. 'My father is very angry with me --
21 angry to the point that he never wishes to have
22 anything to do with me again.'"

23 Do you see that?

24 A. Yes.

25 **REDACTED**

**PAGES
163-281
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FULL**

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14 Let's go off the record. I may be done.

15 MS. ESKENAZI: OK.

16 VIDEOGRAPHER: Going off the record at
17 16:24 as indicated by the video screen.

18 (4.24 pm)

19 (Off the record.)

20 (4.35 pm)

21 VIDEOGRAPHER: This is the beginning of
22 DVD 4, Volume I in the video deposition of
23 Priscilla Tolkien. Going back on the record at
24 14:35 pm.

25 MR. JIH: So, at this point, on behalf

1 of Warner I am done with questions at the moment.

2 We do reserve our rights -- I don't expect you to
3 agree -- in terms of the instructions and any
4 additional documents that might surface in the
5 case. But for now, I am done. So I'm going to
6 turn it over to the Zaentz lawyer.

7 DIRECT EXAMINATION BY MR. ULIN:

8 MR. ULIN: Good afternoon, Ms. Tolkien.

9 A. Good afternoon.

10 Q. And I appreciate it's been a long
11 day and we have had --

12 A. Yes.

13 Q. -- a long series of questions from
14 Mr. Jih. The good news for you is that most of my
15 questions were already asked by Mr. Jih. The bad
16 news is that I have a few questions of my own, but
17 I'll try and keep it brief.

18 A. Thank you.

19 Q. Again, my name is John Ulin and
20 I represent The Saul Zaentz Company Zaentz
21 Company; I just want to make sure you understand
22 that.

23 A. Thank you. I do understand that.

24 **REDACTED**

**PAGES
284-297
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FULL**

1 CERTIFICATE OF COURT REPORTER
2

3 I, TRISH BRADY, an Accredited Realtime Reporter, hereby
4 certify that the testimony of the witness MS. PRISCILLA
5 TOLKIEN in the foregoing transcript, numbered pages 8
6 through 306, taken on Wednesday, February 19, 2014, was
7 recorded by me in machine shorthand and was thereafter
8 transcribed by me; and that the foregoing transcript is a
9 true and accurate verbatim record of the said testimony.

10
11 I further certify that I am not a relative, employee,
12 counsel or financially involved with any of the parties to
13 the within cause, nor am I an employee or relative of any
14 counsel for the parties, nor am I in any way interested in
15 the outcome of the within cause.

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19 *Trish Brady*
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21 TRISH BRADY, ARR
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